

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CIARA WILLIAMS,
 Plaintiff(s),

v.

SILVINO HINOJOSA, et al.,
 Defendant(s).

Case No.: 2:20-cv-01871-RFB-NJK

ORDER

[Docket No. 8]

Pending before the Court is a motion to strike, filed by Defendant TopGolf USA Las Vegas, LLC (“Defendant”). Docket No. 8. Defendant asks the Court to strike Plaintiff’s notice of errata. *Id.* Plaintiff failed to file a response, and the time to do so has now passed. *See* Docket No. 11. The motion is properly resolved without a hearing. *See* Local Rule 78-1.

The Court has authority to strike an improper filing under its inherent power to control its docket. *See, e.g., Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010). “Motions to strike under the [Court’s] inherent power . . . are wholly discretionary.” *Jones v. Skolnik*, 2015 WL 685228, at *2 (D. Nev. Feb. 18, 2015). In deciding whether to exercise that discretion, courts consider whether striking the filing would “further the overall resolution of the action,” and whether the filer has a history of excessive and repetitive filings that have complicated proceedings. *Id.* Courts are reluctant to strike material without some showing of prejudice by the moving party. *Cf. Roadhouse v. Las Vegas Metro. Police. Dep’t*, 290 F.R.D. 535, 543 (D. Nev. 2013) (addressing motion to strike filed pursuant to Federal Rule of Civil Procedure 12(f)).

The pending motion seeks to strike Plaintiff’s notice of errata, arguing that Plaintiff’s notice is an improper attempt to amend her complaint. *See* Docket No. 8 at 1. Indeed, Plaintiff’s notice of errata states that it “corrects and is intended to replace” the operative complaint. Docket No. 6 at 1. Defendant submits that a motion pursuant to Rule 15 of the Federal Rules of Civil

1 Procedure, not a notice of errata, governs the filing of an amended complaint. Docket No. 8 at 6.
2 Defendant further submits that Plaintiff's notice of errata "is simply a rogue attempt to amend the
3 complaint without consent of the parties or any court." *Id.*

4 Plaintiff's failure to respond to Defendant's motion constitutes a consent to the granting of
5 the motion. Local Rule 7-2(d). Further, in examining the merits of the motion, the Court finds
6 that Plaintiff's notice of errata is an improper filing.

7 Accordingly, Defendant's motion to strike is **GRANTED**. Docket No. 8. The Clerk of
8 Court is **INSTRUCTED** to strike Plaintiff's notice of errata at Docket No. 6.

9 IT IS SO ORDERED.

10 Dated: November 10, 2020

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12 Nancy J. Koppe
13 United States Magistrate Judge
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